

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Mylan N.V. Securities Litigation

Case No. 1:16-CV-07926 (JPO)

**CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

This Civil Case Management Plan (the “Plan”) is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3). The parties’ proposals are below and appear in italics where they differ from each other. Where the parties are in agreement on a provision of the proposal, that proposal is shown in one row, spanning both parties’ columns.

| PLAINTIFFS’ PROPOSAL   | DEFENDANTS’ PROPOSAL  |
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| 1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. |   |
| 2. Settlement discussions have not taken place.  |   |
| 3. The parties have conferred pursuant to Fed. R. Civ. P. 26(f).   |   |
| 4. The parties respectfully reserve all rights concerning further amendments as provided in Fed. R. Civ. P. 15(a).   | 4. <i>Defendants may, pursuant to Fed. R. Civ. P. 15(a)(1), amend the Answer and Affirmative and Other Defenses to Plaintiffs’ Second Amended Class Action Complaint once as a matter of course within 21 days of serving it. The parties may, pursuant to Fed. R. Civ. P. 15(a)(2), file a motion seeking the Court’s leave to amend the pleadings or join additional parties within 30 days of the date of this Order. Defendants reserve the right to oppose any motion to amend made by Plaintiffs. The parties respectfully reserve all rights concerning further amendments as provided in Fed. R. Civ. P. 15(a).</i> |

| PLAINTIFFS' PROPOSAL   | DEFENDANTS' PROPOSAL   |
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| <p>5. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days after the date of this Order.</p>  | <p>5. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days after the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p> |
| <p>6. Class Certification</p>  |  |
| <p>a. Lead Plaintiffs' motion for class certification shall be filed no later than 90 days after the date of this Order.</p>   | <p>a. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Lead Plaintiffs' motion for class certification shall be filed no later than 90 days after the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p>              |
| <p>b. Defendants' opposition to Lead Plaintiffs' motion for class certification shall be filed no later than 75 days after Lead Plaintiffs' file their motion for class certification.</p> | <p>b. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Defendants' opposition to Lead Plaintiffs' motion for class certification shall be filed no later than 75 days after Lead Plaintiffs' file their motion for class certification.</i></p>   |

| PLAINTIFFS' PROPOSAL   | DEFENDANTS' PROPOSAL   |
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| <p>c. Lead Plaintiffs' reply in support of class certification shall be filed no later than 30 days after Defendants file their opposition to Lead Plaintiffs' motion for class certification.</p> | <p>c. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Lead Plaintiffs' reply in support of class certification shall be filed no later than 30 days after Defendants file their opposition to Lead Plaintiffs' motion for class certification.</i></p>   |
| <p>d. All document production by Defendants related to class certification shall be completed no later than 30 days after Plaintiffs serve discovery requests related to class certification.</p>  | <p>d. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. All document production by Defendants related to class certification shall be completed no later than 60 days after Plaintiffs serve discovery requests related to class certification, provided, however, that no discovery requests related to class certification shall be served before the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p> |

| PLAINTIFFS' PROPOSAL   | DEFENDANTS' PROPOSAL   |
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| <p>e. All document production by Lead Plaintiffs related to class certification shall be completed no later than 30 days after Defendants serve discovery requests related to class certification. Lead Plaintiffs will make themselves available for depositions at mutually agreeable dates at least <i>14 days</i> prior to the deadline for Defendants to file their opposition to Lead Plaintiffs' motion for class certification.</p>                    | <p>e. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. All document production by Lead Plaintiffs related to class certification shall be completed no later than 30 days after Defendants serve discovery requests related to class certification, provided, however, that no discovery requests related to class certification shall be served before the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i> Lead Plaintiffs will make themselves available for depositions at mutually agreeable dates at least <i>20 days</i> prior to the deadline for Defendants to file their opposition to Lead Plaintiffs' motion for class certification.<sup>1</sup></p> |
| <p>f. Lead Plaintiffs will serve the report of any expert offered in support of their motion for class certification concurrently with the filing of their motion for class certification. Defendants may depose and/or seek discovery from any expert offered in support of Lead Plaintiffs' motion for class certification at any time prior to the deadline for Defendants to file their opposition to Lead Plaintiffs' motion for class certification.</p> | <p>f. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Lead Plaintiffs will serve the report of any expert offered in support of their motion for class certification concurrently with the filing of their motion for class certification. Defendants may depose and/or seek discovery from any expert offered in support of Lead Plaintiffs' motion for class certification at any time prior to the deadline for Defendants to file their opposition to Lead Plaintiffs' motion for class certification.</p>   |

<sup>1</sup> To the extent this deadline conflicts with a holiday or religious observance of one or more of the witnesses to be deposed or counsel, the parties agree to confer in good faith on scheduling depositions and any reasonable extensions to this deadline.

| PLAINTIFFS' PROPOSAL  | DEFENDANTS' PROPOSAL  |
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| <p>g. Lead Plaintiffs will ensure that any expert who submits a report in support of Lead Plaintiffs' motion for class certification will be available for deposition at a mutually agreeable date at least 14 days prior to the deadline for Defendants to oppose Lead Plaintiffs' motion for class certification.</p>   | <p>g. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Lead Plaintiffs will ensure that any expert who submits a report in support of Lead Plaintiffs' motion for class certification will be available for deposition at a mutually agreeable date at least 14 days prior to the deadline for Defendants to oppose Lead Plaintiffs' motion for class certification.</p>   |
| <p>h. Defendants will serve the report of any expert offered in opposition to Lead Plaintiffs' motion for class certification concurrently with the filing of their opposition to Lead Plaintiffs' motion for class certification. Lead Plaintiffs may depose and/or seek discovery from any expert offered in opposition to Lead Plaintiffs' motion for class certification at any time prior to the deadline for Lead Plaintiffs to file their reply.</p> | <p>h. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Defendants will serve the report of any expert offered in opposition to Lead Plaintiffs' motion for class certification concurrently with the filing of their opposition to Lead Plaintiffs' motion for class certification. Lead Plaintiffs may depose and/or seek discovery from any expert offered in opposition to Lead Plaintiffs' motion for class certification at any time prior to the deadline for Lead Plaintiffs to file their reply.</p> |

| PLAINTIFFS' PROPOSAL   | DEFENDANTS' PROPOSAL   |
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| <p>i. Defendants will ensure that any expert who submits a report in opposition to Lead Plaintiffs' motion for class certification will be available for a deposition at a mutually agreeable date at least 14 days prior to the deadline for Lead Plaintiffs to file their reply in further support of class certification.</p> | <p>i. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Defendants will ensure that any expert who submits a report in opposition to Lead Plaintiffs' motion for class certification will be available for a deposition at a mutually agreeable date at least 14 days prior to the deadline for Lead Plaintiffs to file their reply in further support of class certification.</p> |
| <p>7. Fact Discovery</p>   |  |
| <p>a. All fact discovery shall be completed no later than 285 days after the date of this Order.</p>   | <p>a. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> All fact discovery shall be completed no later than 285 days after <i>the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p>   |
| <p>b. Initial requests for production of documents shall be served within 30 days after the date of this Order.</p>  | <p>b. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Initial requests for production of documents shall be served within 30 days after <i>the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p>  |

| PLAINTIFFS' PROPOSAL  | DEFENDANTS' PROPOSAL  |
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| <p>c. <i>The exchange of written requests for production of documents, and responses and objections thereto, shall be conducted pursuant to Fed. R. Civ. P. 34 and the Local Rules of this Court, including with regard to electronic documents, but in no event shall responses and objections to written requests for discovery be due before May 20, 2019.</i></p> | <p>c. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. All document discovery from the parties in this case shall be conducted pursuant to Fed. R. Civ. P. 34 and the Local Rules of this Court, including with regard to electronic documents, after the close of fact discovery in both MDLs, but in no event shall responses and objections to written requests for discovery be due before May 20, 2019.</i></p> |
| <p>d. Interrogatories shall be served within 190 days after the date of this Order.</p>   | <p>d. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i><br/>Interrogatories shall be served within 190 days after <i>the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p>   |
| <p>e. Requests to admit shall be served within 230 days after the date of this Order.</p>   | <p>e. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Requests to admit shall be served within 230 days after the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p>  |



| PLAINTIFFS' PROPOSAL  | DEFENDANTS' PROPOSAL  |
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| <p>f. <i>Defendants shall produce document requests served by the government, and the negotiated responses and objection to those requests, relating to the government investigations listed in footnote 6 of Docket Entry 81 within 21 days after the later of service of Plaintiffs' document requests in this Action for such documents or the date of this Order.</i></p> <p><i>Documents previously produced in response to such document requests that are responsive to Plaintiffs' requests for production of documents shall be produced within 30 days after the later of the service of such requests or the date of this Order. The parties agree to meet and confer in good faith on the scope of such production.</i></p> | <p>f. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. All document discovery from the parties in this case shall be conducted pursuant to Fed. R. Civ. P. 34 and the Local Rules of this Court, including with regard to electronic documents, after the close of fact discovery in both MDLs, but in no event shall responses and objections to written requests for discovery be due before May 20, 2019.</i></p> |
| <p>g. Production of documents not already produced in response to 6(d)-(e) and 7(f) above shall be substantially completed no later than 125 days after service of Plaintiffs' initial requests for production of documents.</p>  | <p>g. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Production of documents not already produced in response to paragraphs 6(d)-(e) above shall be substantially completed no later than 200 days after service of the parties' initial requests for production of documents as set forth in paragraph 7(b).</i></p>  |



| PLAINTIFFS' PROPOSAL  | DEFENDANTS' PROPOSAL  |
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| <p>h. Depositions of fact witnesses shall be completed within 280 day after the date of this Order.</p>   | <p>h. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. Depositions of fact witnesses shall be completed within 280 days after the close of fact discovery in both MDLs, or, if the Court declines to stagger discovery in this action, the date of this Order.</i></p> |
| <p>i. Any of the deadlines in paragraphs 5 through 7 may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 7(a).</p>   |   |
| <p>8. Electronically-Stored Information (“ESI”). The Parties will confer in good faith prior to commencement of their document productions regarding appropriate technical specifications for their respective productions, including but not limited to the format or formats in which ESI will be produced and the extent to which appropriate fields of metadata and/or native files will be produced. It is anticipated that most ESI will be produced in the form of TIFF images with an accompanying database load file containing appropriate categories of metadata and extracted text, where available, associated with each document.</p> |   |
| <p>9. Expert Discovery</p>  |   |
| <p>a. All expert discovery, including expert depositions, shall be completed no later than 90 days after the completion of fact discovery.</p>  | <p>a. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs. All expert discovery, including expert depositions, shall be completed no later than 90 days after the completion of fact discovery.</i></p>  |

| PLAINTIFFS' PROPOSAL   | DEFENDANTS' PROPOSAL   |
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| <p>b. Initial expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by the parties with respect to issues for which they bear the burden of proof on or before 30 days after the completion of fact discovery.</p>   | <p>b. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Initial expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by the parties with respect to issues for which they bear the burden of proof on or before 30 days after the completion of fact discovery.</p> |
| <p>c. Rebuttal expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made on or before 60 days after the completion of fact discovery.</p>  | <p>c. <i>As provided in the proposed order attached hereto as Exhibit A, discovery shall be staggered and coordinated in this Action with the Generics MDL and the EpiPen MDL until the close of fact discovery in both the MDLs.</i> Rebuttal expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made on or before 60 days after the completion of fact discovery.</p>  |
| <p>d. The interim deadlines in paragraphs 9(b) and 9(c) may be extended by the written consent of all parties without application to the Court, provided that expert discovery is completed by the date set forth in paragraph 9(a).</p>   |  |
| <p>10. All motions and applications shall be governed by the Court's Individual Practices.</p>   |  |
| <p>11. All counsel must meet in person to discuss settlement within fourteen (14) days following the Court's ruling on Lead Plaintiff's motion for class certification.</p>  |  |
| <p>12. a. Counsel for the parties have discussed an informal exchange of information in aid of early settlement of this case.</p>  |  |
| <p>b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case:<br/><br/>Mediation before a privately retained mediator.</p> |  |

| PLAINTIFFS' PROPOSAL   | DEFENDANTS' PROPOSAL  |
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| <p>c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph 12(b) be employed at the following point in the case (<i>e.g.</i>, within the next sixty days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery):</p> <p>After class certification briefing is complete.</p> |   |
| <p>d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.</p>  |   |
| 13.  | <p>Unless otherwise ordered by the Court, within thirty (30) days of the close of all discovery, or, if a dispositive motion has been filed, within thirty (30) days of a decision on such motion, the parties shall submit to the Court for its approval a Joint Final Pretrial Order prepared in accordance with the Court's Individual Practices and Fed. R. Civ. P. 26(a)(3). Any motions <i>in limine</i> shall be filed on or before the date on which the Final Pretrial Order is due. If this action is to be tried before a jury, proposed <i>voir dire</i>, jury instructions, and verdict form shall also be filed on or before the Final Pretrial Order due date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Order due date, unless they meet the standard of Fed. R. Civ. P. 51(a)(2)(A). If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted on or before the Final Pretrial Order due date.</p> |
| 14.  | <p>The parties shall be ready for trial within two weeks following the Court's approval of the Final Pretrial Order.</p>  |
| 15.  | <p>Lead Plaintiffs have demanded that this case be tried to a jury.</p>   |
| 16.  | <p>Counsel for the parties have conferred and their present best estimate of the length of trial is three to five weeks.</p>  |
| 17.  | <p>Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are set forth below.</p> <p>The parties do not anticipate addressing any additional issues at the Initial Pretrial Conference.</p>   |

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/s/ Jeremy A. Lieberman

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*Counsel for Defendants*

The next Case Management Conference is scheduled for \_\_\_\_\_  
at \_\_\_\_\_.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as provided in paragraphs 7(i) and 9(d)) shall be made in a written application in accordance with Court's Individual Practices and shall be made no less than two (2) business days prior to the expiration of the date sought to be extended.

SO ORDERED.

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J. PAUL OETKEN  
United States District Judge

Dated: \_\_\_\_\_, 2019  
New York, New York